

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

RACHEL BROOKS (n/d/a ZELL),

Plaintiff,

vs.

Case No. 1:21-cv-111

EXEL, INC. d/b/a DHL SUPPLY CHAIN,

Defendant.

NOTICE OF REMOVAL

Defendant Exel Inc. d/b/a DHL Supply Chain (USA) (“DHL” or “Defendant”), misnamed herein as Exel, Inc., DHL Supply Chain, hereby removes this action to the U.S. District Court for the Northern District of Indiana, Fort Wayne Division, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446. In support thereof, DHL states as follows:

1. On or about February 2, 2021, Plaintiff filed her Complaint in this action in Allen Superior Court, Cause No. 02D03-2102-CT-000105. Defendant was served by certified mail with a copy of Plaintiff’s Complaint and a Summons on February 26, 2021, copies of which are attached as Exhibit A. Defendant is timely filing this Notice of Removal within 30 days of services of Complaint and Summons. 28 U.S.C. §1446(b).

2. Pursuant to 28 U.S.C. § 1331, this Court has “original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” Here, Plaintiff alleges violations of the Age Discrimination in Employment Act of 1967, 29 U.S.C. § 621 *et seq.* (“ADEA”), the Family Medical Leave Act of 1993, 29 U.S.C. § 2601 *et seq.* (“FMLA”), and the Americans with Disabilities Act 42 U.S.C. §12111 *et seq.* (“ADA”), which are laws of the United States. Removal is proper under 28 U.S.C. § 1331, and this Court has federal question jurisdiction.

3. Because this is a civil action of which the federal district courts have original jurisdiction founded on a claim or right arising under the laws of the United States, it is removable without regard to the citizenship or residence of the parties. 28 U.S.C. § 1441(b).

4. Venue is proper under 28 U.S.C. §1441(a) because the state court in which this action is pending is located in this District, and the Fort Wayne Division is the proper Division as this action originally was filed in Allen County, Indiana. 28 U.S.C. §94(b)(1).

5. Pursuant to 28 U.S.C. §1446(a), this Notice of Removal is accompanied by copies of the process, pleadings, and orders filed in the state court action to date attached hereto as Exhibit B.

6. Defendant files this Notice without waiving any defenses to Plaintiff's claims or conceding that Plaintiff has stated claims upon which relief can be granted. Defendant specifically reserves its right to enforce any contractual remedy, including but not limited to enforcement of the arbitration agreement.

7. Pursuant to 28 U.S.C. §1446(d), a copy of this Notice of Removal promptly shall be filed with the Clerk of the Allen Superior Court and served upon all parties.

WHEREFORE, DHL requests that this Court accept this *Notice of Removal* and assume jurisdiction over this action for all further proceedings.

Respectfully submitted this 18th day of March, 2021.

Respectfully submitted,

FROST BROWN TODD LLC

By: /s/ Rebecca L. Loeffler

Rebecca L. Loeffler, #25498-75

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Attorney for Defendant Exel Inc. d/b/a

DHL Supply Chain (USA)

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of March, 2021, the foregoing document was filed electronically. I further certify that a copy of the foregoing was served via U.S. Mail, postage prepaid to the following:

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